

Serial Number: 09/416,101

Attorney Docket No.: RIC99027

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**FEB 18 2005**

## **ATTACHMENT A**

**Response Along with Acknowledgement Postcard Filed October 14, 2002**

Attorney Docket No.: RIC-99-027 Serial / Patent No.: 09/416,101  
Attorney: Rudolph J. Buchel, Jr.  
Client: WorldCom, Inc. Inventor(s): Donovan  
Title: CUSTOMER RESOURCES POLICY CONTROL FOR IP TRAFFIC DELIVERY

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Attorney Docket No.: RIC-99-027 Serial / Patent No.: 09/416,101  
Attorney: Rudolph J. Buchel, Jr.  
Client: WorldCom, Inc. Inventor(s): Donovan  
Title: CUSTOMER RESOURCES POLICY CONTROL FOR IP TRAFFIC DELIVERY

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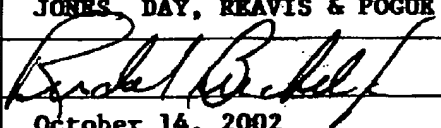
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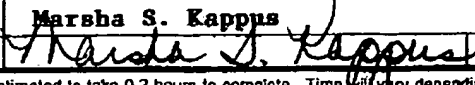
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/416,101	
	Filing Date	October 12, 1999	
	First Named Inventor	Donovan	
	Group Art Unit	2664	
	Examiner Name	Phan, B.	
Total Number of Pages in This Submission	18	Attorney Docket Number	RIC-99-027

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<b>Return Receipt Postcards (2)</b>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Rudolph J. Buchel, Jr. JONES, DAY, REAVIS & POGUE
Signature	
Date	October 14, 2002

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <b>Oct. 14, 2002</b>	
Typed or printed name	Marsha S. Kappus
Signature	 Date <b>October 14, 2002</b>

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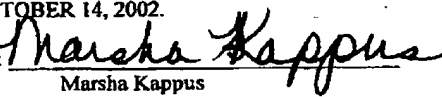
FEB 18 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: **Donovan**Serial No.: **09/416,101**Filed: **10/12/99**For: **CUSTOMER RESOURCES  
POLICY CONTROL FOR IP  
TRAFFIC DELIVERY**§  
§  
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§Group Art Unit: **2664**Examiner: **Pham, B.**Attorney Docket No.: **RIC-99-027****Certificate of Mailing Under 37 C.F.R. § 1.8(a)**

I hereby certify this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Box FEE AMENDMENT Assistant Commissioner of Patents, Washington, D.C. 20231 on OCTOBER 14, 2002.

By:

  
Marsha Kappus**RESPONSE TO OFFICE ACTION**

Box FEE AMENDMENT  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

No fees are believed to be necessary at this time. However, in the event that any fees are required for the prosecution of this application, please charge any necessary fees to WorldCom Deposit Account No. **13-2491**. A TWO-MONTH extension of time has been requested. If, however, an additional extension of time is needed, the extension is requested. Please charge the fee for this extension to WorldCom Deposit Account No. **13-2491**.

In response to the Office Action dated **June 5, 2002**, please amend the above-identified application as follows:

**VERSION WITHOUT MARKINGS TO SHOW CHANGES MADE****IN THE CLAIMS:**

Please amend the Claims as follows:

Please cancel Claims 1 - 43 without prejudice.

Please add the following Claims:

- 1    **44. (New)**     A method for controlling customer resources for network traffic delivery,  
2    comprising:
- 3           tracking network utilization of a group of endpoints on a network to generate group  
4    utilization level information corresponding to a current amount of network resource consumption  
5    by the group;
- 6           receiving a message corresponding to a request for network resources for a data flow for  
7    one of the endpoints, the request including an identifier associated with the one endpoint and  
8    being from one of a router and a packet switch, associated with the one endpoint, said one of the  
9    router and the packet switch is a policy enforcement point (PEP);
- 10          determining whether the request is accepted based on the group utilization level  
11    information, the identifier, and a predetermined profile, the predetermined profile being  
12    associated with the group and including a network utilization limit;
- 13          forwarding to said one of the router and the packet switch the result of the decision  
14    whether to accept the request; and
- 15          performing the steps of tracking, receiving, and determining on a server that forms a  
16    policy decision point independent of said PEP.

1 45. (New) The method of claim 44, wherein the step of determining comprises the step of:  
2 applying a policy rule, using the group utilization level information, the identifier, and the  
3 predetermined profile to determine whether the group exceeds the network utilization limit.

1 46. (New) The method of claim 45, wherein the policy rule in the step of applying  
2 comprises:  
3 an access control rule, an attempt rate rule, a bandwidth rule, a maximum concurrent flow  
4 rule, and a flow time limit rule.

1 47. (New) The method of claim 44, wherein the group is associated with a reserved  
2 bandwidth service logical access port (RLAP) and the method further comprises the step of:  
3 tracking network utilization of the RLAP, the RLAP including the one endpoint to  
4 generate RLAP utilization level information corresponding to a current amount of network  
5 resource consumption by the RLAP; and  
6 wherein the step of determining comprises the step of:  
7 determining whether the request is to be accepted based on the RLAP utilization  
8 level information and another predetermined profile that is associated with the group,  
9 includes a corresponding network utilization limit.

1 48. (New) The method of claim 44, further comprising the step of:  
2 adjusting the group utilization level information, when the request is accepted, to reflect  
3 the installment of the request and the corresponding increase in network resources consumption.

1 49. (New) The method of claim 48, further comprising the steps of:  
2 receiving another message corresponding to a discontinuance of the data flow and to the  
3 availability of network resources formerly consumed by the data flow; and  
4 adjusting the group utilization level information to reflect the availability of the network  
5 resources formerly consumed by the data flow.

1 50. (New) A system for controlling customer resources for network traffic delivery,  
2 comprising:  
3 means for tracking network utilization of a group of endpoints on a network to generate  
4 group utilization level information corresponding to a current amount of network resource  
5 consumption by the group;  
6 means for receiving a message corresponding to a request for network resources for a  
7 data flow for one of the endpoints, the request including an identifier associated with the one  
8 endpoint and being from one of a router and a packet switch associated with the one endpoint,  
9 said one of the router and the packet switch is a policy enforcement point (PEP);  
10 means for determining whether the request is to be accepted based on the group  
11 utilization level information, the identifier, and a predetermined profile, the predetermined  
12 profile being associated with the group and including a network utilization limit;  
13 means for forwarding to said one of the router and the packet switch the result of the  
14 decision whether to accept the request; and  
15 a server forming a policy decision point independent of said PEP, said server including  
16 the means for tracking, the means for receiving, and the means for determining.

1 51. (New) The system of claim 50, wherein the means for determining comprises:  
2 means for applying a policy rule, using the group utilization level information, the  
3 identifier, and the predetermined profile to determine whether the group exceeds the network  
4 utilization limit.

1 52. (New) The system of claim 51, wherein the policy rule comprises:  
2 an access control rule, an attempt rate rule, a bandwidth rule, a maximum concurrent flow  
3 rule, and a flow time limit rule.

1 53. (New) The system of claim 50, wherein the group is associated with a reserved  
2 bandwidth service logical access port (RLAP), said RLAP including the group; and  
3 wherein the system further comprises:  
4 means for tracking network utilization of the RLAP, the RLAP including the one  
5 endpoint to generate RLAP utilization level information corresponding to a current  
6 amount of network resource consumption by the RLAP; and  
7 wherein the means for determining further comprises:  
8 means for determining whether the request is to be accepted based on the RLAP  
9 utilization level information and another predetermined profile that is associated with the  
10 group includes a corresponding network utilization limit.

1 54. (New) The system of claim 50, further comprising:  
2 means for adjusting the group utilization level information, when the request is accepted,  
3 to reflect the installment of the request and the corresponding increase in network resources  
4 consumption.



1 55. (New) A computer readable medium storing program instructions for execution on a  
2 computer system, which when executed by a computer, causes the computer to perform the steps  
3 of:

4 tracking network utilization of a group of endpoints on a network to generate group  
5 utilization level information corresponding to a current amount of network resource consumption  
6 by the group;

7 receiving a message corresponding to a request for network resources for a data flow for  
8 one of the endpoints, the request including an identifier associated with the one endpoint and  
9 being from one of a router and a packet switch associated with the one endpoint, said one of the  
10 router and the packet switch is a policy enforcement point (PEP);

11 determining whether the request is to be accepted based on the group utilization level  
12 information, the identifier, and a predetermined profile, the predetermined profile being  
13 associated with the group and including a network utilization limit;

14 forwarding to the router the result of the decision whether to accept the request; and

15 causing the computer to form a policy decision point independent of said PEP.

1 56. (New) The computer readable medium of claim 55, wherein the step of determining  
2 comprises the step of:

3 applying a policy rule, using the group utilization level information, the identifier, and the  
4 predetermined profile to determine whether the group exceeds the network utilization limit.

1 57. (New) The computer readable medium of claim 56, wherein the policy rule in the step of  
2 applying comprises:

3 an access control rule, an attempt rate rule, a bandwidth rule, a maximum concurrent flow  
4 rule, and a flow time limit rule.

1 58. (New) The computer readable medium of claim 55, wherein the group is associated with  
2 a reserved bandwidth service logical access port (RLAP), and the computer readable medium  
3 further includes program instructions for causing the computer to perform the step of:

4 tracking network utilization of the RLAP, the RLAP including the endpoint to generate  
5 RLAP utilization level information corresponding to a current amount of network resource  
6 consumption by the RLAP; and

7 wherein the step of determining comprises the step of:

8 determining whether the request is to be accepted based on the RLAP utilization  
9 level information and another predetermined profile that is associated with the group  
10 includes a corresponding network utilization limit.

1 59. (New) The computer readable medium of claim 55, wherein the computer readable  
2 medium further includes program instructions for causing the computer to perform the step of:

3 adjusting the group utilization level information, when the request is accepted, to reflect  
4 the installment of the request and the corresponding increase in network resources consumption.

1 60. (New) The computer readable medium of claim 59, wherein the computer readable  
2 medium further includes program instructions for causing the computer to perform the steps of:

3 receiving another message corresponding to a discontinuance of the data flow and to the  
4 availability of network resources formerly consumed by the data flow; and

5 adjusting the group utilization level information to reflect the availability of the network  
6 resources formerly consumed by the data flow.

### **REMARKS**

Claims 44 – 60 are pending in the present application. Claims 32 – 43 were canceled; claims 44 – 60 were added and no claims were amended.

#### **I. Summary of Interview between Ms. Jones and the Undersigned:**

On October 9, 2002, an interview was conducted between Ms. Gina Jones of the Office of Patent Legal Administration for the U.S. Patent and Trademark Office (PTO) and the Undersigned for the Applicant. During that interview, Ms. Jones stated that the above-identified U.S. Patent Applicant is considered by the Office of Petitions to be a divisional Continued Prosecuted Application under 37 CFR 1.53(d) with an outstanding Office Action. Ms. Jones further stated that the originally allowed claims in the application could be, at Applicant's option, reinstated at the present stage of prosecution and thereby be issued more expeditiously. The undersigned agreed to cancel the pending claims and reinstate only the allowable claims.

#### **II. Summary of Interview between Examiner Pham and the Undersigned:**

On October 9, 2002, an interview was conducted between Examiner Brenda Pham for the U.S. Patent and Trademark Office (PTO) and the Undersigned for Applicant. During that interview, the Undersigned conveyed the substance of the earlier interview conducted with Ms. Jones. The Undersigned stated the intention to follow the recommendations made by Ms. Jones and prosecute only the allowable claims prior to prosecuting the pending claims. The Undersigned affirmed that he was aware that although officials from the PTO had previously stated that the pending Office Action would be withdrawn, that it is, in fact, pending for a response based on the original statutory time limit set by the Examiner.

#### **III. Information Disclosure Statements:**

Two separate Information Disclosure Statements were filed in the present application, on August 12, 2002 and June 20, 2002, each of which included a PTO form 1449. Attention is directed to those Information Disclosure Statements and consideration of the documents cited therein is requested by initialing and returning the PTO forms 1449 provided.

**IV. Conclusion:**

Claims 44 – 60 are identical to claims 4 – 9, 13 – 17 and 22 – 27 which the Examiner found allowable and issued subsequent to the previous Office Action. Therefore, it is respectfully urged that the subject application is now, again, in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if, in the opinion of the Examiner, such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: October 14, 2002

Respectfully submitted,



Rudolph J. Buchel, Jr. \*

Reg. No. 43,448

*Jones, Day, Reavis & Pogue*

P. O. Box 660623

Dallas, TX 75266-0623

Telephone: (214) 969-2990

Facsimile: (214) 969-5100

Attorney for Applicant

\* *Licensed in Florida*

*Not licensed in Texas*

**APPENDIX**  
**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

Please amend the Claims as follows:

Please cancel Claims 1 - 43 without prejudice.

Please add Claims 44 - 60 as follows:

1. (CANCELED)
2. (CANCELED)
3. (CANCELED)
4. (CANCELED)
5. (CANCELED)
6. (CANCELED)
7. (CANCELED)
8. (CANCELED)
9. (CANCELED)
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11. (CANCELED)
12. (CANCELED)
13. (CANCELED)
14. (CANCELED)
15. (CANCELED)
16. (CANCELED)
17. (CANCELED)
18. (CANCELED)

19. (CANCELED)
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29. (CANCELED)
30. (CANCELED)
31. (CANCELED)
32. (CANCELED)
33. (CANCELED)
34. (CANCELED)
35. (CANCELED)
36. (CANCELED)
37. (CANCELED)
38. (CANCELED)
39. (CANCELED)
40. (CANCELED)
41. (CANCELED)
42. (CANCELED)

43. (CANCELED)

1 --44. (New) A method for controlling customer resources for network traffic delivery,  
2 comprising:

3 tracking network utilization of a group of endpoints on a network to generate group  
4 utilization level information corresponding to a current amount of network resource consumption  
5 by the group;

6 receiving a message corresponding to a request for network resources for a data flow for  
7 one of the endpoints, the request including an identifier associated with the one endpoint and  
8 being from one of a router and a packet switch, associated with the one endpoint, said one of the  
9 router and the packet switch is a policy enforcement point (PEP);

10 determining whether the request is accepted based on the group utilization level  
11 information, the identifier, and a predetermined profile, the predetermined profile being  
12 associated with the group and including a network utilization limit;

13 forwarding to said one of the router and the packet switch the result of the decision  
14 whether to accept the request; and

15 performing the steps of tracking, receiving, and determining on a server that forms a  
16 policy decision point independent of said PEP.--

1 --45. (New) The method of claim 44, wherein the step of determining comprises the step of:

2 applying a policy rule, using the group utilization level information, the identifier, and the  
3 predetermined profile to determine whether the group exceeds the network utilization limit.--

1 --46. (New) The method of claim 45, wherein the policy rule in the step of applying  
2 comprises:

3 an access control rule, an attempt rate rule, a bandwidth rule, a maximum concurrent flow  
4 rule, and a flow time limit rule.--

1    **--47. (New)**   The method of claim 44, wherein the group is associated with a reserved  
2    bandwidth service logical access port (RLAP) and the method further comprises the steps of:  
3           tracking network utilization of the RLAP, the RLAP including the one endpoint to  
4    generate RLAP utilization level information corresponding to a current amount of network  
5    resource consumption by the RLAP; and  
6           wherein the step of determining comprises the step of:  
7           determining whether the request is to be accepted based on the RLAP utilization  
8    level information and another predetermined profile that is associated with the group,  
9    includes a corresponding network utilization limit.--

1    **--48. (New)**   The method of claim 44, further comprising the step of:  
2           adjusting the group utilization level information, when the request is accepted, to reflect  
3    the installment of the request and the corresponding increase in network resources consumption.-  
4    -

1    **--49. (New)**   The method of claim 48, further comprising the steps of:  
2           receiving another message corresponding to a discontinuance of the data flow and to the  
3    availability of network resources formerly consumed by the data flow; and  
4           adjusting the group utilization level information to reflect the availability of the network  
5    resources formerly consumed by the data flow.--



1 --50. (New) A system for controlling customer resources for network traffic delivery,  
2 comprising:

3 means for tracking network utilization of a group of endpoints on a network to generate  
4 group utilization level information corresponding to a current amount of network resource  
5 consumption by the group;

6 means for receiving a message corresponding to a request for network resources for a  
7 data flow for one of the endpoints, the request including an identifier associated with the one  
8 endpoint and being from one of a router and a packet switch associated with the one endpoint,  
9 said one of the router and the packet switch is a policy enforcement point (PEP);

10 means for determining whether the request is to be accepted based on the group  
11 utilization level information, the identifier, and a predetermined profile, the predetermined  
12 profile being associated with the group and including a network utilization limit;

13 means for forwarding to said one of the router and the packet switch the result of the  
14 decision whether to accept the request; and

15 a server forming a policy decision point independent of said PEP, said server including  
16 the means for tracking, the means for receiving, and the means for determining.--

1 --51. (New) The system of claim 50, wherein the means for determining comprises:

2 means for applying a policy rule, using the group utilization level information, the  
3 identifier, and the predetermined profile to determine whether the group exceeds the network  
4 utilization limit.--

1 --52. (New) The system of claim 51, wherein the policy rule comprises:

2 an access control rule, an attempt rate rule, a bandwidth rule, a maximum concurrent flow  
3 rule, and a flow time limit rule.--

1 --53. (New) The system of claim 50, wherein the group is associated with a reserved  
2 bandwidth service logical access port (RLAP), said RLAP including the group; and  
3 wherein the system further comprises:  
4 means for tracking network utilization of the RLAP, the RLAP including the one  
5 endpoint to generate RLAP utilization level information corresponding to a current amount of  
6 network resource consumption by the RLAP; and  
7 wherein the means for determining further comprises:  
8 means for determining whether the request is to be accepted based on the RLAP  
9 utilization level information and another predetermined profile that is associated with the group  
10 includes a corresponding network utilization limit.--

1 --54. (New) The system of claim 50, further comprising:  
2 means for adjusting the group utilization level information, when the request is accepted,  
3 to reflect the installment of the request and the corresponding increase in network resources  
4 consumption.--

1 --55. (New) A computer readable medium storing program instructions for execution on a  
2 computer system which, when executed by a computer, causes the computer to perform the steps  
3 of:

4 tracking network utilization of a group of endpoints on a network to generate group  
5 utilization level information corresponding to a current amount of network resource consumption  
6 by the group;

7 receiving a message corresponding to a request for network resources for a data flow for  
8 one of the endpoints, the request including an identifier associated with the one endpoint and  
9 being from one of a router and a packet switch associated with the one endpoint, said one of the  
10 router and the packet switch is a policy enforcement point (PEP);

11 determining whether the request is to be accepted based on the group utilization level  
12 information, the identifier, and a predetermined profile, the predetermined profile being  
13 associated with the group and including a network utilization limit;

14 forwarding to the router the result of the decision whether to accept the request; and  
15 causing the computer to form a policy decision point independent of said PEP.--

1 --56. (New) The computer readable medium of claim 55, wherein the step of determining  
2 comprises the step of:

3 applying a policy rule, using the group utilization level information, the identifier, and the  
4 predetermined profile to determine whether the group exceeds the network utilization limit.--

1 --57. (New) The computer readable medium of claim 56, wherein the policy rule in the step of  
2 applying comprises:

3 an access control rule, an attempt rate rule, a bandwidth rule, a maximum concurrent flow  
4 rule, and a flow time limit rule.--

1 --58. (New) The computer readable medium of claim 55, wherein the group is associated with  
2 a reserved bandwidth service logical access port (RLAP), and the computer readable medium  
3 further includes program instructions for causing the computer to perform the step of:

4 tracking network utilization of the RLAP, the RLAP including the endpoint to generate  
5 RLAP utilization level information corresponding to a current amount of network resource  
6 consumption by the RLAP; and

7 wherein the step of determining comprises the step of:

8 determining whether the request is to be accepted based on the RLAP utilization  
9 level information and another predetermined profile that is associated with the group  
10 includes a corresponding network utilization limit.--

1 --59. (New) The computer readable medium of claim 55, wherein the computer readable  
2 medium further includes program instructions for causing the computer to perform the step of:

3 adjusting the group utilization level information, when the request is accepted, to reflect  
4 the installment of the request and the corresponding increase in network resources consumption.-  
5 -

1 --60. (New) The computer readable medium of claim 59, wherein the computer readable  
2 medium further includes program instructions for causing the computer to perform the steps of:

3 receiving another message corresponding to a discontinuance of the data flow and to the  
4 availability of network resources formerly consumed by the data flow; and

5 adjusting the group utilization level information to reflect the availability of the network  
6 resources formerly consumed by the data flow.--